

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK COLSTON,

Case No. 1-02-CV-779

Plaintiff,

Hon. Richard Alan Enslen

v.

DIANE REDICK, sued in her
individual and official capacity,

ORDER

Defendant. /

This matter is before the Court on Plaintiff Mark Colston's Motion for Reconsideration of the Court's November 14, 2006 Order denying Plaintiff's Motion for Modification of Judgment. Under Rule 7.4(a),¹ Plaintiff must demonstrate that the Court's Order suffers from a palpable defect, and must "also show that a different disposition of the case must result from a correction thereof." W.D. MICH. LCIVR 7.4(a).

The Court denied Plaintiff's third Motion for Modification, the Motion in question, because Plaintiff failed to allege any circumstances that were so exceptional under Rule 60(b)(6) as to warrant relief. *See Jinks v. AlliedSignal, Inc.*, 250 F.3d 381, 387 (6th Cir. 2001); *Blue Diamond Coal. Co. v. Trustees of UMWA Combined Ben. Fund*, 249 F.3d 519, 524 (6th Cir. 2001); *Olle v. Henry & Wright Corp.*, 910 F.2d 357, 365 (6th Cir. 1990). In the instant motion, Plaintiff has failed to show that the Court's Order suffered from any palpable defect or that a different disposition must result.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff Mark Colston's Motion for Reconsideration (Dkt. No. 150) is **DENIED**.

DATED in Kalamazoo, MI:
January 8, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE

¹Plaintiff cites Local Rule 7.1(g)(1), however, this is the local rule regarding a Motion for Reconsideration in the Eastern District. Therefore, the Court assumes the Plaintiff intended to move under Local Rule 7.4(a) in the Western District.